

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
LEWIS BRISTOLE

Plaintiff,

Index No.:

-against-

CITY OF NEW YORK, POLICE OFFICER TIFFANY
JEFFRIES, TAX ID. NO. 941956, AND SEVERAL
UNIDENTIFIED POLICE OFFICERS ASSIGNED
TO THE 32ND PRECINCT,

VERIFIED COMPLAINT

Defendants.
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Plaintiff LEWIS BRISTOLE by and through his attorneys, TRACIE A. SUNDACK & ASSOCIATES, L.L.C., complaining of Defendants CITY OF NEW YORK, POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT respectfully alleges as follows:

1. That at all times hereinafter mentioned, Defendant CITY OF NEW YORK was and still is a municipal corporation duly organized and existing under and by virtue of the General Municipal Law of the State of New York.
2. That at all times hereinafter mentioned, Defendant CITY OF NEW YORK, its agents servants and employees operated, maintained and controlled the New York City Police Department, including all the police officers thereof.
3. Upon information and belief, that at all times hereinafter mentioned, Defendant POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, was employed by Defendant CITY OF NEW YORK as a police officer.
4. That at all times hereinafter mentioned, Defendant POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, acted within the scope of her employment for Defendant CITY OF NEW YORK.
5. That at all times hereinafter mentioned, Defendant POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, was acting under the color and pretense of the statutes,

ordinances, regulations, customs, and usages of the County and City of New York, and under the authority of her office as police officer for said city and county.

6. Upon information and belief, that at all times hereinafter mentioned, Defendants SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT were employed by Defendant CITY OF NEW YORK as police officers.

7. That at all times hereinafter mentioned, Defendants SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT acted within the scope of their employment for Defendant CITY OF NEW YORK.

8. That at all times hereinafter mentioned, Defendants SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT were acting under the color and pretense of the statutes, ordinances, regulations, customs, and usages of the County and City of New York, and under the authority of their office as police officers for said city and county.

9. That on January 24, 2012, at approximately 10:00 a.m., Plaintiff LEWIS BRISTOLE was a passenger in a motor vehicle owned and operated by Oscar Mechum that was lawfully traveling on East 128th Street, approaching its intersection with Lenox Avenue, in the City, County, and State of New York.

10. That on the aforementioned date, time and place, Defendant CITY OF NEW YORK its agents, servants and/or employees including Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT ordered the motor vehicle in which Plaintiff LEWIS BRISTOLE was traveling to pull to the side of the road.

11. That, at the aforementioned date, time and place, Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT ordered the occupants of the motor vehicle to exit the vehicle. Plaintiff LEWIS BRISTOLE and Oscar Mechum complied and, after exiting the vehicle, both they and the motor vehicle, were searched by Defendants. Thereafter Plaintiff was handcuffed and placed under arrest for Criminal Possession of a Controlled Substance,

despite Defendants' knowledge that they lacked reasonable grounds or probable cause to do so.

12. That Plaintiff LEWIS BRISTOLE was transported to the 32nd Precinct (250 West 135th Street, New York, New York 10030) of the New York City Police Department. Following complaints of chest pain, Plaintiff LEWIS BRISTOLE was taken to Bellevue Medical Center where he was treated and then returned to the 32nd Precinct. Plaintiff was then taken to Central Booking where his arrest was processed.

13. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT initiated criminal proceedings against Plaintiff LEWIS BRISTOLE despite Defendants' knowledge that they lacked probable cause to do so.

14. That Plaintiff LEWIS BRISTOLE was held, detained and imprisoned by Defendants from approximately 10:00 a.m. on January 24, 2012, to approximately 9:00 p.m. on January 26, 2012, before being released.

15. That on May 18, 2012, by Order of the Honorable A. Tisch, all charges against Plaintiff LEWIS BRISTOLE were dismissed (Docket Number 2012NY007413).

16. That on January 16, 2013, Plaintiff LEWIS BRISTOLE filed a Notice of Petition and Verified Petition in the Supreme Court of the State of New York (County of New York) seeking permission to file a late Notice of Claim in this matter. Plaintiff's Petition is currently pending before the court.

17. This action is commenced within one year and ninety days after the cause of action arose.

18. This action falls within one or more of the exceptions set forth in CPLR §1602

**AS AND FOR A FIRST CAUSE OF ACTION FOR
FALSE ARREST UNDER 42 U.S.C. § 1983**

19. Plaintiff LEWIS BRISTOLE repeats, reiterates, and realleges each and every paragraph of this complaint and further alleges:

20. That at the aforementioned time and place, Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS

ASSIGNED TO THE 32ND PRECINCT placed Plaintiff LEWIS BRISTOLE under arrest, despite Defendants' knowledge that they lacked probable cause to do so.

21. That Plaintiff LEWIS BRISTOLE had not committed any offense and Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT did not have reasonable grounds or probable cause to believe that Plaintiff had committed any offense.

22. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT were aware that probable cause did not exist for the arrest and detention of Plaintiff LEWIS BRISTOLE and that said arrest and detention was illegal, without justification or excuse, and without authority of law, and the Defendants acted with malicious intent to arrest, oppress, and injure Plaintiff LEWIS BRISTOLE and such actions were committed in bad faith.

23. That, in all of the wrongful acts above alleged, Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, acted without reasonable or probable cause and with malicious intent to arrest, oppress, and injure Plaintiff LEWIS BRISTOLE and such actions were committed in bad faith.

24. As a direct and proximate result of the above-described unlawful and malicious acts of Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, all committed under color of their authority as police officers, and while acting in that capacity, Plaintiff LEWIS BRISTOLE was deprived of the rights and immunities secured to him under the Constitutions and laws of the United States and of the State of New York, in particular the First, Fourth, Fifth, Eighth and Fourteenth Amendments thereof, and 42 U.S.C. §§ 1981, 1983, and 1985 (2) and (3), his liberty was restricted for an extended period of time, he was put in fear for his safety, and he was humiliated and subjected to handcuffing and other physical restraints, without probable cause.

25. As a further result of the above-described acts, Plaintiff LEWIS BRISTOLE was deprived of the rights and immunities secured to him under the Constitution and laws of the United States and of the State of New York.

**AS AND FOR A SECOND CAUSE OF ACTION FOR
FALSE IMPRISONMENT UNDER 42 U.S.C. § 1983**

26. Plaintiff LEWIS BRISTOLE repeats, reiterates, and realleges each and every paragraph of this complaint and further alleges:

27. That Plaintiff LEWIS BRISTOLE was falsely imprisoned from January 24, 2012, to January 26, 2012, by Defendant CITY OF NEW YORK, its agents, servants, and employees, including but not limited to Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, who procured and/or effected said false imprisonment knowing their actions to be wrongful and malicious and without any basis.

28. That Defendant CITY OF NEW YORK by and through its agents, servants, and employees, including but not limited to, Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT intended to confine Plaintiff LEWIS BRISTOLE and Plaintiff LEWIS BRISTOLE was conscious of the confinement, and Plaintiff LEWIS BRISTOLE did not consent to the confinement.

29. That Defendants' words, actions, and the charges laid by them were willful, malicious, false, wrongful, without reason or basis and without probable cause and committed in bad faith and solely for the purpose of falsely imprisoning Plaintiff LEWIS BRISTOLE and damaging Plaintiff LEWIS BRISTOLE in his reputation and depriving him of his liberty.

30. That as a direct and proximate result of the above-described unlawful and malicious acts of Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, all committed under color of their authority as police officers for Defendant CITY OF NEW YORK, and while acting in that capacity, Plaintiff LEWIS BRISTOLE suffered damage, all of which is

in violation of his rights under the Constitution and laws of the United States and of the State of New York.

**AS AND FOR A THIRD CAUSE OF ACTION FOR
MALICIOUS PROSECUTION UNDER 42 U.S.C. § 1983**

31. Plaintiff LEWIS BRISTOLE repeats, reiterates, and realleges each and every paragraph of this complaint and further alleges:

32. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT misrepresented and falsified evidence before the District Attorney.

33. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT did not make a complete and full statement of facts to the District Attorney.

34. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT withheld exculpatory evidence from the District Attorney.

35. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT were directly and actively involved in the initiation of criminal proceedings against Plaintiff LEWIS BRISTOLE.

36. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT lacked probable cause to initiate criminal proceedings against Plaintiff LEWIS BRISTOLE.

37. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT acted with malice in initiating criminal proceedings against Plaintiff LEWIS BRISTOLE.

38. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT

were directly and actively involved in the continuation of criminal proceedings against Plaintiff LEWIS BRISTOLE.

39. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT lacked probable cause to continue criminal proceedings against Plaintiff LEWIS BRISTOLE.

40. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT acted with malice in continuing criminal proceedings Plaintiff LEWIS BRISTOLE.

41. That Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT misrepresented and falsified evidence throughout all phases of the criminal proceeding.

42. That, notwithstanding the perjurious and fraudulent conduct of Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, the criminal proceedings were terminated in Plaintiff LEWIS BRISTOLE's favor.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR
MUNICIPAL LIABILITY**

43. Plaintiff LEWIS BRISTOLE repeats, reiterates, and realleges each and every paragraph of this complaint and further alleges:

44. Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, collectively and individually, while acting under color of state law, engaged in conduct that constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.

45. That the aforementioned customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department included, but were not limited to, wrongfully detaining minority males based on racial profiling and making unlawful arrests in

order to satisfy an arrest quota.

46. The foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department constituted deliberate indifference to the safety, well-being and constitutional rights of Plaintiff LEWIS BRISTOLE.

47. The foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department were the direct and proximate cause of the constitutional violations suffered by Plaintiff LEWIS BRISTOLE as alleged herein.

48. The foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department were the moving force behind the constitutional violations suffered by Plaintiff LEWIS BRISTOLE as alleged herein.

49. Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, collectively and individually, while acting under the color of state law, were directly and actively involved in violating Plaintiff LEWIS BRISTOLE's constitutional rights.

50. All of the foregoing acts by defendants deprived Plaintiff LEWIS BRISTOLE of federally protected rights including, but not limited to, the right:

- A. Not to be deprived of liberty without due process;
- B. To be free from seizure and arrest not based on probable cause;
- C. To be free from unlawful search;
- D. To be free from unwarranted and malicious criminal prosecution;
- E. To be free from malicious abuse of process;
- F. Not to have cruel and unusual punishment imposed upon him;
- G. To receive equal protection under the law.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR
FAILURE TO INTERVENE**

51. Plaintiff LEWIS BRISTOLE repeats, reiterates and realleges each and every allegation contained in this complaint.

52. Each and every individual Defendant had an affirmative duty to intervene on Plaintiff

LEWIS BRISTOLE's behalf to prevent the violation of his constitutional rights and failed to so intervene despite having had a realistic opportunity to do so.

53. As a result of the aforementioned conduct of the individual Defendants, Plaintiff LEWIS BRISTOLE's constitutional rights were violated and he was subjected to excessive force and sustained physical injuries.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR
NEGLIGENT HIRING AND RETENTION**

54. Plaintiff LEWIS BRISTOLE repeats, reiterates, and realleges each and every paragraph of this complaint and further alleges:

55. That Defendant CITY OF NEW YORK, was careless and reckless in hiring and retaining as and for its employees, Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, in that said Defendant employees lacked the experience, deportment and ability to be employed by Defendant CITY OF NEW YORK; in that Defendant CITY OF NEW YORK failed to exercise due care and caution in its hiring practices, and in particular, in hiring the defendant employees who lacked the mental capacity and the ability to function as employees of Defendant CITY OF NEW YORK; in that the Defendant employees lacked the maturity, sensibility and intelligence to be employed by Defendant CITY OF NEW YORK; in that Defendant CITY OF NEW YORK knew of the lack of ability, experience, deportment and maturity of said Defendant employees when they hired them to be employees; and, in that Defendant CITY OF NEW YORK, its agents, servants and/or employees were otherwise careless, negligent and reckless.

56. Defendant CITY OF NEW YORK knew, or should have known in the exercise of reasonable care, the propensities of Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT to engage in the wrongful conduct heretofore alleged in this Complaint.

**AS AND FOR A SEVENTH CAUSE OF ACTION FOR
NEGLIGENT TRAINING AND SUPERVISION**

57. Plaintiff LEWIS BRISTOLE repeats, reiterates, and realleges each and every paragraph of this complaint and further alleges:

58. The failure of Defendant CITY OF NEW YORK to adequately train, supervise, discipline or in any way control the behavior of Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, in the exercise of their employment functions, and their failure to enforce the laws of the State of New York and the regulations of Defendant CITY OF NEW YORK, is evidence of the reckless lack of cautious regard for the rights of the public including Plaintiff LEWIS BRISTOLE. Further, the Defendants exhibited a lack of that degree of due care which prudent and reasonable individuals would show.


59. The failure of Defendant CITY OF NEW YORK, to train, supervise, discipline or in any other way control Defendants POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, in the exercise of their employment functions and their failure to enforce the laws of the State of New York and the regulations of Defendant CITY OF NEW YORK, was carried out willfully, wantonly, maliciously and with such reckless disregard for the consequences as to display a conscious disregard for the dangers of harm and injury to the citizens of New York, including Plaintiff LEWIS BRISTOLE.

60 As a result of the foregoing, Plaintiff LEWIS BRISTOLE is entitled to compensatory damages in the sum of One Million Dollars (\$1,000,000.00) and is further entitled to punitive damages against the individual Defendants in the sum of Three Million Dollars (\$3,000,000.00)

WHEREFORE Plaintiff LEWIS BRISTOLE demands judgment against Defendants CITY OF NEW YORK, POLICE OFFICER TIFFANY JEFFRIES, TAX ID. NO. 941956, and SEVERAL UNIDENTIFIED POLICE OFFICERS ASSIGNED TO THE 32ND PRECINCT, jointly and severally, in the amount of One Million Dollars (\$1,000,000.00) in compensatory

damages and Three Million Dollars (\$3,000,000.00) in punitive damages, plus reasonable attorney's fees, costs and disbursements of this action.

Dated: White Plains, New York
March 27, 2013

A handwritten signature in blue ink that reads "Tracie A. Sundack". The signature is written in a cursive style and is positioned above a horizontal line.

TRACIE A. SUNDACK & ASSOCIATES, L.L.C.
Attorneys for Plaintiff
LEWIS BRISTOLE
19 Court Street, 3rd Floor
White Plains, New York 10601
(914) 946-8100

ATTORNEY'S VERIFICATION

STATE OF NEW YORK }
COUNTY OF WESTCHESTER } SS.:


I, the undersigned, an attorney admitted to practice in the Courts of the State of New York, state:

That I am the attorney of record for the Plaintiff in the within action.

That I have read the foregoing SUMMONS and COMPLAINT and know the contents thereof; the same is true to my own knowledge, except for the matters therein alleged to be on information and belief, and as to those matters I believe them to be true. The reason this Verification is made by me and not by the Plaintiff is that Plaintiff resides outside the County where your affirmant maintains her office. The grounds of my belief as to all matters not stated upon my own knowledge are as follows: files maintained by my office and conversations with Plaintiff.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: White Plains, New York
March 27, 2013



TRACIE A. SUNDACK